

Excess appropriation means that portion of each appropriation for fiscal years 1987, 1988, and 1989 remaining after the maximum amount of funds for each child counted has been awarded to States based on the most recent child count of children with disabilities aged 3 through 5 years receiving special education and related services.

Part B child count means the child count required by section 611(a)(3) of the Act.

Preschool means the age range of 3 through 5 years.

(Authority: 20 U.S.C. 1402, 1419)

[54 FR 1646, Jan. 13, 1989, as amended at 56 FR 54688, Oct. 22, 1991]

§ 301.6 Does part H of the Act apply to 2-year-old children with disabilities?

Part H of the Act does not apply to any child with disabilities receiving a free appropriate public education, in accordance with part B of the Act, with funds received under the Preschool Grants program.

(Authority: 20 U.S.C. 1419(g))

[57 FR 44840, Sept. 29, 1992]

Subpart B—How Does a State Apply for a Grant?

§ 301.10 How does a State become eligible to receive a grant?

(a) For fiscal years 1988, 1989, and 1990 a State is eligible to receive a grant if—

(1) The Secretary approves its State plan under 34 CFR part 300;

(2) The State provides special education and related services to any children with disabilities aged 3 through 5 years; and

(3) The State submits an application to the Secretary that meets the requirements of this part.

(b) Beginning in fiscal year 1991, a State is eligible to receive a grant if—

(1) The Secretary approves its State plan under 34 CFR part 300;

(2) The State has policies and procedures in its State plan under 34 CFR part 300 that assure the provision of a free appropriate public education—

(i) For all children with disabilities aged 3 through 5 years in accordance

with the requirements in 34 CFR part 300; and

(ii) For any 2-year-old children, provided services by the State under 301.30(b)(3) or by a LEA or IEU under 301.30(a)(2); and

(3) The State submits an application to the Secretary that meets the requirements in this part.

(Authority: 20 U.S.C. 1419 (a), (b))

[54 FR 1646, Jan. 13, 1989, as amended at 56 FR 54688, Oct. 22, 1991; 57 FR 44840, Sept. 29, 1992]

§ 301.11 When does a State apply for a grant?

(a) A State shall submit a Preschool Grants application effective for fiscal years 1988 and 1989.

(b) The State shall extend its FYs 1988–1989 application through FY 1990.

(c) For FY 1991 a State shall submit a one, two, or three year application. Thereafter the State shall submit its Preschool Grants application with the three-year State plan under 34 CFR part 300.

(Authority: 20 U.S.C. 1419 (a)(3), (b)(4))

§ 301.12 What are the sanctions if a State does not meet the statutory timeline for making a free appropriate public education available to all preschool children with disabilities?

If a State does not meet the requirements in section 619(b)(1) of the Act—

(a) The State is not eligible for a Preschool Grant;

(b) The State is not eligible for funds under 34 CFR part 300 for children with disabilities aged 3 through 5 years;

(c) No State, LEA, IEU, or other public institution or agency is eligible for a grant under parts C through G of the Act if the grant relates exclusively to programs, projects, and activities pertaining to children with disabilities aged 3 through 5 years; and

(d) The State is not eligible for funds for 3- through 5-year-old children served under 34 CFR part 302.

(Authority: 20 U.S.C. 1408; 1411(a)(1)(A); 1419(a)(b))

[54 FR 1646, Jan. 13, 1989, as amended at 56 FR 54688, Oct. 22, 1991]